

## Division 4 Lot Layout, Height, and Density/Intensity Standards

### 35-515 Lot Layout Regulations

*This Section provides for blocks which provide a pedestrian scale, offer alternative paths for vehicular traffic, and which accommodate on-Street parking. Standards are provided to ensure that lots have adequate access and conform to the zoning provisions of this Chapter. The City finds and determines that long blocks lined with homes and other buildings reduce Street connectivity and impair the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. Exceptions to these standards are made for non-urban districts and zoning districts (such as RP and RE) and districts which require greater flexibility in order to encourage economic development (such as I-1 and I-2).*

#### (a) Buildings to be on a lot

Except as permitted in the planned unit development district, every building shall be located on a lot. In the RP and Residential Zoning districts, no more than one (1) principal building may be erected on a lot unless otherwise permitted in this chapter.

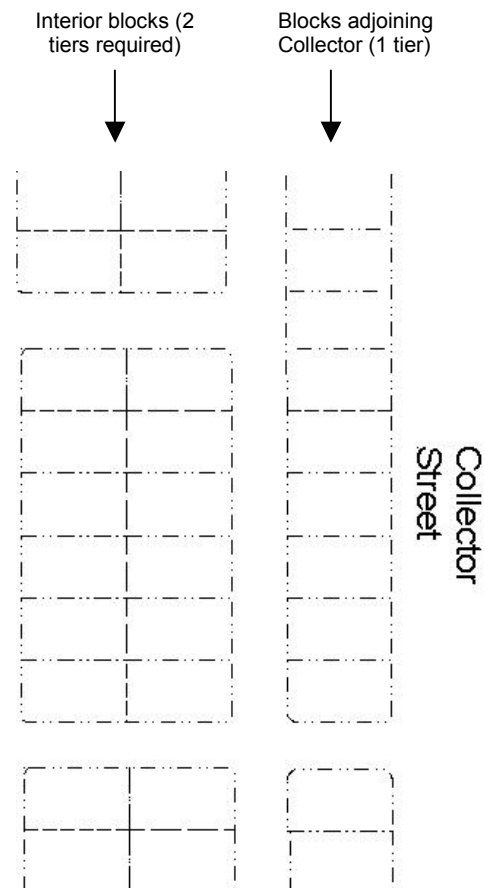
#### (b) Blocks

##### (1) Lots To Be Contiguous.

Lots shall be arranged in a contiguous pattern within blocks, or adjoining a cul-de-sac. For minor subdivisions, all lots shall be contiguous, and any new lots subdivided from a tract which has been previously subdivided shall adjoin the existing lots.

##### (2) Block Width

Blocks to the interior of the subdivision shall have sufficient width to provide for two (2) tiers of lots. One (1) tier of required block width shall be permitted in blocks adjacent to Collector or Arterial Streets or waterways. Not more than two (2) tiers of lots shall be provided for any block. The provisions of this subsection do not apply to flag lots permitted by subsection (h), below.



**(3) Length & Perimeter**

The length of blocks within a subdivision or site plan shall be in accordance with 35-506 (t) and shall be in accordance with the following:

- A. If the anticipated traffic volume at the midpoint of the proposed Street is greater than or equal to one-thousand (1,000) vehicles per day and any of the following conditions apply, then the Street length shall not exceed seven-hundred (700) feet: (A) the Street intersects an arterial roadway, or (B) the Street serves as an entrance Street to the proposed neighborhood, or (C) the Street provides an opportunity for traffic to pass from a Street of a higher classification to another Street Link, or (D) the Street width is greater than or equal to 40 feet.
- B. If the anticipated traffic volume at the midpoint of the Street is less than or equal to 500 vehicles per day, then the Street length shall not exceed twelve-hundred (1200) feet.
- C. If the anticipated traffic volume at the midpoint of the Street is greater than 500 vehicles per day, then the Street length shall not exceed nine-hundred (900) feet.
- D. For the TND Use Pattern, no block shall exceed seven-hundred (700) feet in length without an alley or pedestrian pathway providing through access to another Street or alley.
- E. Maximum street lengths may be exceeded in accordance with Section 35-506(t) of this Chapter.

**(c) Lots****(1) Compliance with Zoning District Regulations**

For proposed subdivisions within the incorporated area of the City, the size, width, depth, shape, and orientation of lots shall comply with the applicable zoning district regulations.

**(2) Factors governing dimensions**

The size, width, depth, shape, and orientation of lots shall:

- Provide adequate building sites suitable to the special needs of the type of use contemplated.
- Accommodate lots of the size and dimensions required by Articles 2 and 3 of this chapter.
- Provide for convenient access, circulation, control and safety of Street traffic.
- Give due regard to the limitations and opportunities of topography.
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**(3) Minimum Lot Size in City Limits**

Within the incorporated areas of the City, minimum lot size shall conform to the requirements of Article 3, § 35-310.

**(4) Frontage.**

All lots shall front on a public or private Street and shall have a minimum frontage width as indicated in § 353-310. On irregular shaped lots, a minimum Street frontage of fifteen (15) feet shall be required. Residential lots shall not front on a Collector Street, Arterial Street, or Parkway. An "irregular shaped lot" includes any lot located on a cul-de-sac or adjoining a curved section of a roadway with a centerline radius of less than two hundred (200) feet.

**(d) Driveways**

*Restrictions on driveway areas are designed to avoid the domination of front yards by large expanses of impervious surfaces, which deaden the Streetscape and discourage pedestrian activity. Reducing the width of driveways can reduce total site imperviousness. Some techniques that can be used include:*

- (1) Driveways and other impervious surfaces shall not comprise more than the percentage of the front yard as specified in Column (B) for the use patterns or zoning districts designated in Column (A). Driveway entrances shall not comprise more than the percentage of the front lot line as designated in Column (B). Parking may be provided in the rear yard, and access may be provided through alleys, where the front yard is insufficient to accommodate a driveway.

Table 515-1

<b>(A) Zoning District or Use Pattern</b>	<b>(B) Maximum Percent of Front Yard</b>	
TND, TOD, MXD, D, IDZ	30%	
R-6, RM-6, R-5, RM-5, R-4, RM-4, MF-25, MF-33, MF-40, MF-50, NC	50%	

- (2) In order to reduce impervious surfaces, shared driveways shall be permitted in any zoning district classification. In order to reduce runoff and increase stormwater travel times, alternative materials for driveway surfaces, such as pervious pavers or gravel, shall be permitted in any Residential Zoning District.
- (3) Table 515-1 shall not apply to irregular shaped lots as defined by Section 35-516 (I) of this Chapter.

**(e) Zero lot line subdivisions.****(1) Maintenance easement.**

For zero lot line subdivisions, a minimum five (5) foot wide maintenance easement shall be provided through deed restrictions on the lot adjacent to the zero lot line. This easement shall be kept free of permanent obstructions such as toolsheds or fences without a gate. When filing an application for a building permit for a zero lot line development, the subdivider shall provide the city with two (2) copies of deed restrictions establishing the maintenance easements. One (1) copy of these deed restrictions shall be recorded by the applicant prior to issuance of the building permit. Along with the required building permit filing fees, an additional fee shall be provided by the subdivider to cover the recording costs of these deed restrictions.

**(2) Plat annotation.**

The following notation shall appear on the plat:

"\_\_\_\_\_ foot wide maintenance easements are established within the lots adjacent to all nonattached zero lot lines. Such easements shall extend for the depth of the lot and are included in the deed restrictions for all affected properties."

**(f) Townhouse subdivisions.**

For townhouse subdivisions, adequate provision shall be made by the subdivider for common ownership and maintenance of community facilities such as recreation and open space, parking, access and similar common use areas. Such open and service areas shall be described and so indicated on the subdivision plat. The description "townhouse subdivision" shall be prominently indicated on the subdivision plat. Also the plat shall include a statement designating all lots in the subdivision to be limited to townhouse use. The subdivider shall also furnish the city two (2) copies of deed restrictions limiting the property to townhouse use and providing disposition and maintenance covenants on all open space or other common ownership areas. Such restrictions shall be recorded by the Applicant at the time of plat recordation. Along with the required plat filing fees, an additional fee shall be provided by the subdivider to cover county recording costs of such restrictive covenants.

**(g) Two-family dwelling (duplex) lots.**

A lot upon which there is located two (2) attached dwelling units may be subdivided or resubdivided through the common wall into separate fee simple lots for each dwelling unit subject to the following requirements. The two-family dwelling or duplex lot shall be vacated and replatted. Each single-family lot resulting from the subdivision shall have a minimum lot area of four thousand (4,000) square feet and shall be at least forty (40) feet wide except in the case of a planned unit development or planned residential development. Separate utility meters shall be provided to each newly created single-family lot. Separate water and wastewater service lines shall be provided to each newly created lot and shall not traverse any other lot. Where common gas and electrical lines are provided to two (2) single-family lots, easements approved by city public service shall be provided. Walls and floors separating dwelling units in the same building shall not be less than one-hour resistive construction.

**(h) Flag Lots**

- (1) Not more than the following number of flag lots may be authorized to allow for the more efficient use of irregularly shaped parcels of land, or where the integrated nature of multiple buildings on a site dictates the need for such lots. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations. Flag lots shall not be permitted where they will increase the number of lots that take their access from collector or arterial Streets.

Table 515-2

MAXIMUM NUMBER OF FLAG LOTS	
Size of Subdivision	Maximum Number or Percentage (%) of Flag Lots
10 or fewer lots	2 lots
11-50	20%
51 or more	20%

- (2) The minimum driveway width shall be nine (9) feet.
- (3)
- (4) Notwithstanding the provisions above, access to not more than four (4) lots may be provided by a shared driveway.
- (5) The minimum frontage at the right-of-way line for any Flag Lot shall be equal to the minimum required driveway width plus 4 feet. The flag pole portion of the lot shall not be considered in determining the area of the lot.

**(i) Clear vision area.**

See Transportation Standards, § 35-506.

**(j) Transitional Standards**

Transitional Buffer Lot standards apply to some lower density zoning districts within the incorporated areas of the City. See § 35-310(d) of this Chapter.

## **35-516 Setback and Frontage Regulations**

**(a) Front and side setbacks**

Front and side setbacks adjacent to Streets shall be shown on all plats as required by Article III of this chapter. A subdivider may elect to impose greater setbacks; however they must be enforced through restrictive covenants. The city shall only enforce the setbacks required by Article III.

**(b) Side yard building line.**

The building line for an existing residence having a side yard of three (3) or more feet may be maintained on any addition to the residence, but in no instance shall the side yard be less than three (3) feet.

**(c) Yards adjacent to rights-of-way and easements.**

On lots that abut a public alley, railroad right-of-way, or an utility/drainage right-of-way or easement which is not part of a platted lot, one-half of such alley, right-of-way or easement, up to a maximum of fifteen (15) feet, may be considered as part of the minimum required rear or side yard.

**(d) Variation in front yard.**

In any block in which seventy (70) percent of the lots have front yards that are less than required by the existing zoning, construction on any remaining vacant lots is permitted to the average yard of the existing improved lots.

**(e) Rear yards on irregular lots.**

For lots fronting on cul-de-sacs, eyebrows, or elbows, and other irregular shaped lots caused by Street design, a rear yard of fifteen (15) feet is permitted based on the mean horizontal distance of the principal structure from the rear lot line and provided no part of the structure is closer than ten (10) feet to the lot line. The mean horizontal distance shall be calculated by adding the products of the width of each segment of the principal structure multiplied by its average distance from the property line and then dividing this sum by the total width of the structure.

**(f) Dwelling on small lot**

A platted lot within a residential district which contains less than the minimum area for the district may be used for a single family dwelling provided that the lot is held in separate and different ownership from any immediately adjoining lot, has a minimum area of three thousand five hundred (3,500) square feet, and has a minimum Street frontage of twenty (20) feet.

**(g) Garages**

There shall be a minimum of twenty (20) feet between the back of a sidewalk or the front property line and a front entry garage or carport.

**(h) Swimming pools.**

Swimming pools are prohibited within the front setback of all districts or within a platted or recorded utility or drainage easement. Pools which are excavated to a depth greater than three (3) feet below ground shall be located a minimum distance of five (5) feet from the side and rear lot lines.

**(i) Reversed corner lots.**

On reversed corner lots in all districts except planned unit developments, the side setback adjacent to the Street shall be at least equal to the front setback required for the lot to the rear.

**(j) Projecting architectural features.**

Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and the ordinary projection of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall extend neither more than five (5) feet into any required yard nor closer than three (3) feet to any property line.

**(m) Reduction of lot size by governmental action.**

Where the owner of a legally platted lot or his successor in title thereto has his lot reduced in size as a result of governmental action and thereafter does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may be used as a building site for a single-family residence or other nonresidential uses permitted in the district in which the lot is located, provided that:

- (1) In those cases where the lot area or mean lot width is reduced by governmental action not more than twenty (20) percent below the minimum specified in this chapter, the director of building inspections shall issue a building permit or certificate of occupancy.
- (2) In those cases where a vacant lot area or mean lot width is reduced by governmental action by more than twenty (20) percent, the director of building inspections may approve as a building site such dimension as shall conform as closely as possible to the required dimensions of this chapter provided that the combined area of the main building and its accessory buildings shall not cover more than forty (40) percent of the lot area remaining after governmental action.
- (3) In those cases where a structure is located on a legally platted lot and the existing yards are reduced by governmental action below the dimensional requirements specified in this chapter, the director of building inspections shall issue a building permit or certificate of occupancy for alterations to and use of the existing structure if said structure and lot conformed to the required dimensional requirements prior to the lot reduction by governmental action.

**(n) Setbacks Adjacent To High Pressure Fuel Lines, Railroads, Or Thoroughfares**

A twenty-five (25) foot setback shall be shown on all lots adjacent to high pressure oil, gas or gasoline lines. The setback shall be measured at right angles from the center of the fuel line.

**(o) Utility lines.**

Building setbacks adjacent to overhead utility lines shall comply with the provisions of § 35-506 of this Article.

**(p) Corner lots**

Corner lots shall have sufficient width to provide appropriate building setback from and orientation to both Streets as required by Article III of this chapter.

## **35-517 Building Height Regulations**

**(a) Generally**

Building Height shall conform to the requirements of § 35-310, Dimensional Matrix.

**(b) Measurement**

Building Height shall be measured as provided in the Uniform Building Code.

**(c) Height exceptions**

The height limits for the various districts do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

**(d) Setbacks for Height Increases**

- (1) Any portion of a structure in any zoning district may be erected to exceed the height limit established in § 35-310.01, Table 310-1, provided that such portion is located back from the side and rear setback lines one (1) foot for each two (2) foot of height in excess of the height limit prescribed in such section or as prescribed in subsections (2) and (3), below (hereinafter the “threshold height”), and further provided the height does not exceed the limitations of the airport hazard zoning regulations. Distance credits shall be allowed for space occupied by structures of conforming height extending from the setback lines, except as specified in Table 310-1(k).
- (2) The provisions of subsection (1), above, shall not apply to an “NC,” “C-1,” “C-2,” or “O-1” zoning district abutting or within one-hundred (100) feet, measured in a straight line, of a platted subdivision zoned “RE” or “R-20” as of the effective date of this Chapter.